

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DENNIS EBORKA,

Plaintiff,

vs.

WAYNE STATE COLLEGE,

Defendant.

**8:24CV53**

**MEMORANDUM AND ORDER**

Plaintiff Dennis Eborka faxed to the Clerk's office of this Court the documents attached to this order. The documents consist of an unsigned Form Pro Se 2 Complaint and Request for Injunction and include the case number for the present case. Plaintiff faxed a pleading titled "Notice of Removal of Pending State Court Action", which the Court docketed as a Complaint in this case on February 12, 2024. See [Filing No. 1](#). The Court entered a Memorandum and Order on February 14, 2024, directing Plaintiff to either submit the \$405.00 filing and administrative fees or submit a request to proceed in forma pauperis in this case and specifically informed Plaintiff that, pursuant to the Court's local rules, "all future filings Plaintiff makes into this case must be made via hand delivery, United States postal mail, or by registering for electronic case filing ("CM/ECF") access." [Filing No. 4 at 1](#) (citing NECivR 5.1(c) and NEGenR 1.3(b)).

Contrary to the Court's specific instructions, Plaintiff has faxed the documents attached to this order.<sup>1</sup> The Court will return the attached documents to Plaintiff because: (1) Upon review, the documents do not appear to be in the form required by

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<sup>1</sup> Though Plaintiff may not yet have received a copy of the Court's February 14, 2024, Memorandum and Order which the Clerk's office mailed to him, Plaintiff called the Clerk's office on February 14, 2024, to ask if he could submit documents by fax and was specifically informed that he would need to either deliver his documents or send them by mail.

the local rules of this Court and this Court's February 14, 2024, Memorandum and Order, [Filing No. 4](#), as Plaintiff faxed the materials to the Court; and (2) the materials are not signed as required by [Federal Rule of Civil Procedure 11](#) and the Court's Local Rules.

Also, the Court again will specifically inform Plaintiff that the Court will not accept any future faxed documents he submits for filing in this case or otherwise. "A document is not filed under the Federal Rules of Civil Procedure until the filing party receives a System generated NEF after uploading the document to the System. **A document faxed or e-mailed to the clerk or assigned judge is not considered filed without a court order.**" NECivR [5.1\(c\)](#) (emphasis added). If Plaintiff wishes to file documents electronically in this case, then he should register for CM/ECF access. NEGenR [1.3\(b\)](#).

IT IS THEREFORE ORDERED that:

1. The Clerk of the Court return the attached materials to Plaintiff Dennis Eborka.
2. **The Court warns Plaintiff that if he wishes to file a document in this Court, such filing must be made via hand delivery, United States postal mail, or by registering for electronic case filing ("CM/ECF") access. A document faxed or e-mailed to the Clerk or the undersigned will be returned to Plaintiff and will not be filed.**

Dated this 16th day of February, 2024.

BY THE COURT:



Joseph F. Bataillon  
Senior United States District Judge